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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Lal et al.

Title: **HUMAN SIGNAL-CONTAINING PROTEINS**

Serial No.: 09/002,485

Filing Date: December 31, 1997

Examiner: C. Saoud

Group Art Unit: 1646

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 U.S.C. 121

Sir:

This communication is in response to the Restriction Requirement mailed April 16, 1999, in the above-referenced application, allowing until May 16, 1999, for response.

Claims 1-23 were originally filed. In the Restriction Requirement, the Examiner requested Applicants to elect the claims corresponding to one of the inventions in the following Groups:

- Group I (claims 1, and 15), drawn to proteins;
- Group II (claims 2-14), drawn to polynucleotides, vectors, host cells, and methods of making proteins;
- Group III (claim 16), drawn to antibodies;
- Group IV (claim 17), drawn to agonists;
- Group V (claim 18), drawn to antagonists;

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Group VI (claim 19), drawn to methods of treatment using a polypeptide;
Group VII (claims 20 and 21), drawn to methods of treatment using an antagonist; and
Group VIII (claims 22 and 23), drawn to methods of detecting a polynucleotide.

In response to the restriction requirement, Applicants elect the claims of Group II (claims 2-14 in so far as they encompass an isolated polynucleotide encoding a polypeptide comprising the amino acid sequence of SEQ ID NO:25 and an isolated polynucleotide having a nucleic acid sequence consisting of SEQ ID NO:102) with traverse. Applicants submit that the invention encompassed by the claims of Group II as they relate to SEQ ID NO:25 and SEQ ID NO:102 could be examined at the same time as the invention encompassed by the claims of Group VIII as they relate to SEQ ID NO:25 and SEQ:102. For example, a search of the prior art to determine the novelty of the polynucleotides of the invention would provide information regarding the novelty of the methods of use of the polynucleotides. Accordingly, because the searches required to identify prior art relevant to the claims of Groups II and VIII would substantially overlap, Applicants respectfully submit that examination of originally filed claims 2-14 and 22-23 as they relate to SEQ ID NO:25 and SEQ ID NO:102 would pose no undue burden. Thus, Applicants request reconsideration and withdrawal of the Restriction Requirement and examination of the claims in Groups II and VIII as they relate to SEQ ID NO:25 and SEQ ID NO:102.

Applicants believe that no fee is due with this communication. However, if the Commissioner determines that a fee is due, the Commissioner is hereby authorized to charge Incyte Pharmaceuticals, Inc. Deposit Account No. 09-0108.

This form is enclosed in duplicate.

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Respectfully submitted,

INCYTE PHARMACEUTICALS, INC.

Date: May 12, 1999

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